

FISCAL NOTE

HB 4172 - SB 4133

March 3, 2008

SUMMARY OF BILL: Requires each local education agency (LEA) and each private school to assist respective local law enforcement agencies in determining school zones and to create safe walkways for children in school zones when none exist. Requires all such school zones be appropriately designated by signage so that motorists are given proper notice that they are in a school zone. Increases from a Class B misdemeanor to a Class A misdemeanor the offense of reckless driving within a school zone. Increases from a Class C misdemeanor to a Class B misdemeanor any offense identified within Title 55, Chapters 8 and 9, or Parts 1-8 of Chapter 10, when committed in a school zone.

ESTIMATED FISCAL IMPACT:

Increase State Revenue - \$57,000

Increase Local Revenue - \$3,000

**Increase Local Expenditures* - Exceeds \$8,000,000/One-time
\$80,000/Recurring**

Assumptions:

- Private schools must present engineering studies and get law enforcement approval for school zone designations; private schools are responsible for school zone costs and maintenance.
- According to the Comptroller, and pursuant to Tenn. Code Ann. § 55-8-152, local governments are currently authorized to designate school zones and provide appropriate signage for public schools.
- According to the Tennessee Department of Transportation, local governments are responsible for school zone signage.
- According to the Comptroller, 76 schools applied for the federal "Safe Routes to School Program" last year. The 76 applicants requested a total of \$12,600,000 in funding.
- According to the Comptroller, 26 schools actually received \$4,500,000 from the Safe Routes to School Program last year.
- There are 1,709 LEA K-12 public schools in Tennessee.

- According to the Comptroller, mandating local governments to meet the provisions of this bill will increase local government expenditures by a significant amount.
- Based on the extent of grant funding made available via Safe Routes to School, and other information provided from the Comptroller related to the posting of school zone signage, installing caution lights, and constructing safe walkways within school zones, one-time local government expenditures are estimated to increase by an amount exceeding \$8,000,000.
- Annual maintenance for the newly created school zones is estimated to be one percent of initial costs (\$80,000) per year.
- The Department of Safety estimates 50 reckless driving offenses per year occurring in a school zone; 600 speeding and other traffic violations per year occurring in a school zone.
- DOS indicates a fine increase of approximately \$400 for the offense of reckless driving; an increase of approximately \$100 for speeding and other offenses.
- 25 percent will not pay fines due to indigence.
- The increase of fine revenue is estimated to be \$60,000 $[(50 \times \$400 \times 75\%) + (600 \times \$100 \times 75\%) = \$60,000]$ per year.
- Local governments receive five percent of fine revenue.
- The increase to local government revenue is estimated to be \$3,000 $(\$60,000 \times 5\% = \$3,000)$ per year.
- The increase to state revenue is estimated to be \$57,000 $(\$60,000 - \$3,000 \text{ local share} = \$57,000)$ per year.
- Any additional time of incarceration resulting from any of the above offenses is estimated to be not significant.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc